

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition Pursuant To 47 U.S.C.	)	WT Docket No. 02-377
Section 160(c) For Forbearance	)	
From The E-911 Phase II Location	)	
Accuracy Standards Set Forth In	)	
Section 20.18(h) Of The Rules As	)	
Applied To Tier III Wireless	)	
Carriers	)	

**To: Chief, Wireless Telecommunications Bureau**

**JOINT COMMENTS IN SUPPORT OF THE TIER III COALITION  
FOR WIRELESS E911'S PETITION FOR FORBEARANCE**

Southern Illinois RSA Partnership d/b/a First Cellular of Southern Illinois ("First Cellular"), Texas RSA 15B2 Limited Partnership d/b/a Five Star Wireless ("Five Star") and SLO Cellular, Inc. d/b/a Cellular One of San Luis Obispo ("Cellular One of San Luis Obispo") (collectively "the Commenters"), by their attorney and pursuant to the Wireless Telecommunications Bureau's Public Notice, entitled "Wireless Telecommunications Bureau Seeks Public Comment On Petition For Forbearance From E911 Accuracy Standards Imposed On Tier III Carriers," Mimeo DA 02-3470, released December 17, 2002, hereby submit their comments in support of the November 20, 2002 petition, filed by The Tier III Coalition for Wireless E911 ("TierIIICo"), seeking limited forbearance from enforcement of the Phase II E-911 accuracy standards codified in Sections 20.18(h)(1) and (2) of the Rules. The Commenters confine their comments to forbearance from the accuracy standards for network-based Phase II E-911 solutions. In support hereof, the following is shown:

**Statement of Interest**

1. First Cellular, Five Star and Cellular One of San Luis Obispo are the licensees of cellular systems serving Rural Service Area ("RSA") markets in the States of Illinois, Texas and California, respectively. Each has elected to deploy a network-based Automatic Location Information ("ALI") solution to fulfill its Phase II E-911 obligations; and each is a Tier III, non-nationwide Commercial Mobile Radio Service ("CMRS") wireless carrier, as defined in the Commission's recent Order to Stay (CC Docket No. 94-102), 17 FCC Rcd. 14841 (2002). Therefore, the Commenters have an interest in any Commission action affecting their Phase II E-911 deployment and accuracy obligations.

**Forbearance Is Warranted**

2. In its Petition, TierIII Co requests only temporary forbearance, until December 31, 2005, from Commission enforcement of the Phase II E-911 accuracy standards for both network-based and handset-based ALI solutions, as codified in Sections 20.18(h)(1) and (2) of the Commission's Rules, as they relate to all Tier III CMRS wireless carriers providing service within their respective licensed service areas. Notably, TierIII Co seeks no additional relief. It does not seek to delay deployment of ALI identifying Phase II E-911 technologies, as those deployment requirements are triggered by proper requests from Public Safety Answering Points ("PSAPs"). Thus, the relief requested by TierIII Co is narrowly focused in both scope and duration to achieve a legitimate public

interest objective. This legitimate public interest objective is to prevent the expenditure of large sums of money which may prove unnecessary to achieve the underlying purpose of Section 20.18(h) of the Rules (i.e., enabling emergency personnel to locate the E-911 caller) in rural settings, at least until such time as empirical evidence demonstrates that such expenditures are needed.

3. TierIII Co makes an eminently sound case for the relief it requests. The current location accuracy standards, as set forth in Sections 20.18(h)(1) and (2) of the Rules, are as follows: a) 100 meters for 67% of calls and 300 meters for 95% of calls for Phase II E-911 network-based ALI solutions; and b) 50 meters for 67 percent of calls and 150 meters for 95 percent of calls for handset-based ALI solutions. These standards apparently were devised for use in urbanized settings, and then simply carried over to rural applications based on the unproven assumption that the same degree of accuracy would be required in a rural setting to enable emergency personnel to locate the E-911 caller. However, this assumption (regardless of how convenient it may be for regulatory purposes to employ such a "one size fits all" model) is not supported by any empirical evidence in the CC Docket No. 94-102 proceeding.

4. Typically, in urbanized settings the separation between cell sites is comparatively modest (usually ten miles or less) in view of the high population density and heavy usage characteristics which generally characterize urbanized markets. In urbanized markets, the cell sites are dispersed over a wide area to

accommodate the typical usage patterns over a wide geographic area, and, as a result, do not exhibit the "ribbon" or "string of pearls" layout common to many rural systems. These limited mileage separations, coupled with the wide-area dispersal of the sites, provide the relatively forgiving angles for triangulating the position of a mobile unit which render the Section 20.18(h) accuracy standards achievable for network-based ALI solutions in urbanized markets.

5. In contrast, rural markets have much lower population densities and much lighter usage characteristics such that the separation between cell sites is typically fifteen to twenty miles (and, in some cases, up to twenty-four miles). Indeed, in many rural markets, coverage in some areas is concentrated along interstate and major secondary highways, thus producing the "ribbon" or "string of pearls" deployment pattern so common for many of the cell sites. This greater mileage separation and cell site layout pattern will make triangulation of the E-911 caller's location more difficult for network-based ALI solutions, rendering it unlikely that the Rule Section 20.18(h) accuracy standards will be achievable in most instances absent the construction of costly additional facilities, all as catalogued in TierIII Co's petition.

6. The ultimate question (which, unfortunately, cannot be answered at this time due to the lack of empirical data) is whether a relaxed ALI accuracy standard in rural settings will be detrimental to public safety. We suggest that it will not. As TierIII Co correctly notes, "pinpointing a 911 caller to within 500

meters in a rural application might well result in the authorities being able to actually find the caller (the only purpose behind E911 Phase II rules at all) in far less time than knowing the caller's location to within 150 meters in the center of a large urban area having, for example, four (4), fifty-story office buildings lying within that location parameter" (Petition, pg. 37); and "locating a stranded subscriber to within 1000 feet in an open rural setting may prove every bit as effective in actually locating the subscriber, for far less cost" (Petition, pg. 9). Favorable action on TierIII Co's petition will enable the industry to marshal the data under actual operating conditions necessary to conclusively make this determination, with no overall diminishment in public safety.

7. Indeed, the Commission's Phase II Rules appear to contemplate that Rule Section 20.18(h) accuracy standards will be achievable in rural markets through the use of existing facilities, and that the standard does not embody a requirement to construct additional facilities to meet the prescribed accuracy standards. In this regard, the Phase I E-911 Rules are instructive. Under Section 20.18(d)(1) of the Rules and insofar as relevant here, the wireless carrier is required to provide the PSAP with "the location of the cell site or base station receiving a 911 call," a standard which the Commission has characterized as requiring the carrier to provide "the location of the cell site or sector receiving the call." Fourth Memorandum Opinion and Order, (CC Docket No. 94-102), 15 FCC Rcd. 17442, Para. 58 (2000) (emphasis added). In the

Phase I setting, it is quite obvious that cell sectorization would produce more accurate location results than would omnidirectional operation. Yet nowhere in the regulation (or in its various decisions discussing the regulation) did the Commission require that omnidirectional cells be converted (or even retrofitted) to permit sectorized operation. Stated another way, wireless carriers Providing Phase I E-911 service are permitted to use their existing facilities in "as is" condition, with no requirement to implement modifications that would provide greater accuracy. It appears that the Rules adopt the same implicit assumption with respect to the Rule Section 20.18(h) Phase II accuracy standards, and the relief requested by TierIIICo will permit the evaluation of this assumption in "real world" settings.

**WHEREFORE**, First Cellular, Five Star and Cellular One of San Luis Obispo request that TierIIICo's petition for forbearance be granted.

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Dated: January 24, 2003

Respectfully submitted,  
**Southern Illinois RSA  
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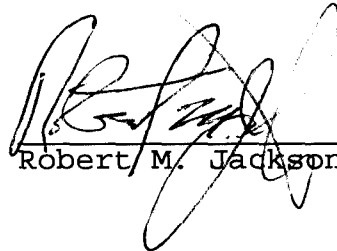
By: 

Robert M. Jackson  
Their Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that I am an attorney with the law offices of Blooston, Mordkofsky, Dickens, Duffy & Prendergast and that on January 24, 2003 I caused to be mailed by first class United States mail, postage prepaid, a copy of the foregoing **"Joint Comments In Support Of The Tier III Coalition For Wireless E911's Petition For Forbearance"** to the following:

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